

**REMARKS**

Claims 1 is pending. Claims 2-21 are withdrawn.

Applicants gratefully acknowledge the Examiner's kindness in faxing a copy of the office action to their representative in light of the non-receipt of the mailed copy, it being mailed to the wrong address (1762 Technology Drive is the correct address, but the Office Action was mailed to 1726 Technology Drive).

However, Applicants respectfully traverse the rejection of the pending claims. Claim 1 has been amended for better clarity to reflect the following feature of Applicants' actuator arm. For example, as seen in Figure 36, actuator arm 10 may pivot about bearing 422 such that the optical pick up unit 432 moves parallel to an optical disk surface for tracking purposes. Portion 414 may also pivot with respect to the remainder of the actuator arm such that optical pickup unit 432 moves perpendicularly to the optical disk surface. No new matter is added.

Applicants agree with the Examiner that the Boutaghou reference (USP 5,521,778) is entirely silent regarding any suggestion or motivation to include the portion pivotally mounted to the remainder of the actuator arm as recited in claim 1. As seen in Figure 2, all the Boutaghou actuator arm can do is track. Boutaghou discloses two tracking pivots: coarse pivot 34 (Figure 1) and the fine pivot provided by actuator 30 of Figure 2. But both of these pivots are for tracking purposes only. Boutaghou makes absolutely no teaching or suggestion for any actuation that would move slider 26 perpendicularly to the disk surface. Thus, anyone of ordinary skill would recognize that all Boutaghou teaches and enables is a magnetic disk drive actuator, which does not need focus. In a magnetic disk drive, there is no focusing because no optics are involved.

Applicants readily admit that the Boutaghou reference states on Col. 5, line 7 that an optical disk could also be used. But that is just standard broadening language inserted by the patent draftsman: No one could use the actuator arm of Boutaghou for an optical disk drive because this actuator arm has no focusing ability whatsoever. The only actuator arm reference that is currently cited against the claims that does provides a focusing actuation is the Lee reference (USP 6,236,634). But note the "sled" movement that Lee uses for tracking: the whole actuator arm translates in frame 203. This type of "X plane" translation is standard in the optical disk arts and is akin to the motion imparted to the pen in the familiar "etch-a-sketch" toy. For example, if one were to pry the CD-ROM optical drive out of their personal

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computer, this same type of translation would be seen for tracking purpose. In that regard, Applicants note that their invention of an optical disk arm that pivots both in a parallel direction for tracking purposes and perpendicularly for focusing was revolutionary and part of their enablement of a small form factor optical disk drive that required over 200 million dollars in development costs: the fruits of that expenditure may be seen on their website: [www.dataplay.com](http://www.dataplay.com).

To summarize, Applicants readily admit that the use of actuators that pivot for tracking purposes is common in the magnetic disk arts. Moreover, the use of actuators that pivot for tracking purposes is common in the optical disk arts. But what is not taught or suggested by any of these teaching is the use of an actuator assembly for an optical disk drive that pivots for tracking purpose and also pivots for focusing purposes. The only motivation to create such an assembly comes from Applicants' disclosure.

Moreover, Applicants respectfully traverse the assertion that one of ordinary skill would be motivated to "add the pivotally mounted second portion of Lee et al. to the apparatus of Boutaghou." Conventional optical disk drives do not use rotary actuators for tracking purposes but instead use a translation mechanism such shown in the Lee reference. The only motivation to use such an actuator arises out of Applicants' disclosure.

Applicants respectfully note that claim 1 is generic to species A, B, D, E, and F and thus reserve their right to pursue a reasonable number of dependent claims to these species.

### CONCLUSION

For the above reasons, pending Claim 1 is now in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (949) 752-7040.

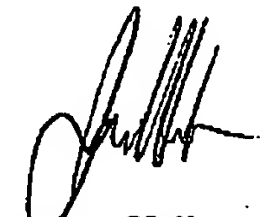
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 June 3, 2005  
Sandra L. Carr Date of Signature

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